

Effective 5/13/2014

75-7-508 Notice to creditors.

- (1)
 - (a) A trustee for an inter vivos revocable trust, upon the death of the settlor, may publish a notice to creditors:
 - (i) once a week for three successive weeks in a newspaper of general circulation in the county where the settlor resided at the time of death; and
 - (ii) in accordance with Section 45-1-101 for three weeks.
 - (b) The notice required by Subsection (1)(a) shall:
 - (i) provide the trustee's name and address; and
 - (ii) notify creditors:
 - (A) of the deceased settlor; and
 - (B) to present their claims within three months after the date of the first publication of the notice or be forever barred from presenting the claim.
- (2) A trustee shall give written notice by mail or other delivery to any known creditor of the deceased settlor, notifying the creditor to present his claim within 90 days from the published notice if given as provided in Subsection (1) or within 60 days from the mailing or other delivery of the notice, whichever is later, or be forever barred. Written notice shall be the notice described in Subsection (1) or a similar notice.
- (3)
 - (a) If the deceased settlor received medical assistance, as defined in Section 26-19-2, at any time after the age of 55, the trustee for an inter vivos revocable trust, upon the death of the settlor, shall mail or deliver written notice to the Director of the Office of Recovery Services, on behalf of the Department of Health, to present any claim under Section 26-19-13.5 within 60 days from the mailing or other delivery of notice, whichever is later, or be forever barred.
 - (b) If the trustee does not mail notice to the director of the Office of Recovery Services on behalf of the department in accordance with Subsection (3)(a), the department shall have one year from the death of the settlor to present its claim.
- (4) The trustee is not liable to any creditor or to any successor of the deceased settlor for giving or failing to give notice under this section.
- (5) The notice to creditors shall be valid against any creditor of the trust and also against any creditor of the estate of the deceased settlor.

Amended by Chapter 142, 2014 General Session